

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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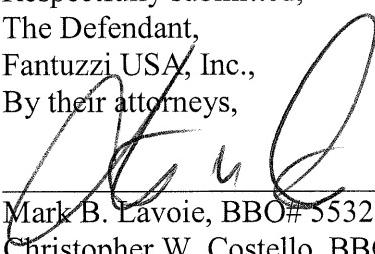
JAMES KEHOE, ) CIVIL ACTION NO.  
Plaintiff, ) 04-10232NMG  
v. )  
MI-JACK PRODUCTS, INC, )  
FANTUZZI REGGIANE, AND )  
FANTUZZI USA, INC. )  
Defendants. )  
)

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**DEFENDANT'S, FANTUZZI USA, INC., MOTION TO COMPEL  
ANSWERS TO INTERROGATORIES**

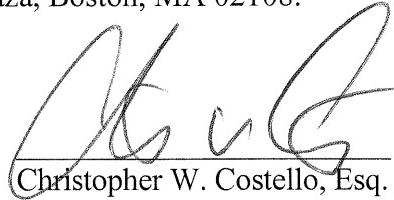
The Defendant, Fantuzzi USA, Inc. ("Defendant"), by and through its counsel, hereby moves pursuant to the Fed. R. Civ. P. Rule 37(a) and requests that the Court issue an Order compelling the Plaintiff, James Kehoe, to Answer Defendants' First Set of Interrogatories, which were originally served to the Plaintiff on August 4, 2004. A copy of the Interrogatories are attached hereto as Appendix A. As grounds therefor, Defendant states that it has, in good faith, conferred with the Plaintiff in an attempt to obtain the outstanding discovery short of court action which is over three (3) months overdue.

Respectfully submitted,  
The Defendant,  
Fantuzzi USA, Inc.,  
By their attorneys,

  
Mark B. Lavoie, BBO# 553204  
Christopher W. Costello, BBO# 645936  
McDonough, Hacking & Lavoie, LLP  
6 Beacon Street, Suite 815  
Boston, MA 02108  
(617) 367-0808

**CERTIFICATE OF SERVICE**

I, Christopher W. Costello, Esq., hereby certify that on November 15, 2004, I served a copy of the foregoing Motion to Compel Pursuant to Rule 37(a) of the Federal Rules of Civil Procedure, by mailing, postage prepaid, to the following: John P. LeGrand, Esq., John P. LeGrand & Associates, P.C., 375 Broadway, Suite 2, Somerville, MA 02145 and James P. Donohue, Jr., Sloane & Walsh, 3 Center Plaza, Boston, MA 02108.



Christopher W. Costello, Esq.

## **APPENDIX A**

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO.  
04-10232(WGY)

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)  
JAMES KEHOE, )  
                  )  
                  )  
Plaintiff,      )  
                  )  
                  )  
v.                )  
                  )  
MI-JACK PRODUCTS, INC, )  
FANTUZZI REGGIANE, AND )  
FANTUZZI USA, INC. )  
                  )  
                  )  
Defendants.     )  
                  )  
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**DEFENDANT'S, FANTUZZI USA, INC.,  
FIRST SET OF INTERROGATORIES TO THE PLAINTIFF,  
JAMES KEHOE**

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, the Defendants, Fantuzzi Usa, Inc., hereby propound the following Interrogatories to be answered under oath by the Plaintiff, James Kehoe.

**DEFINITIONS**

Wherever they appear hereafter, the following terms have the following meanings:

1. The term COMPLAINT means the above-captioned action.
2. The term PLAINTIFF means James Kehoe.
3. The term DEFENDANTS means, collectively, Fantuzzi Reggiane and Fantuzzi Usa, Inc..
4. The term CRANE means the equipment that was involved in the December 20, 2002 accident that is the subject of the COMPLAINT.
5. The term ACCIDENT means the alleged accident involving the PLAINTIFF and the CRANE on December 20, 2002 at the Conley Terminal in Boston, Massachusetts, that is the subject of the COMPLAINT.

**INTERROGATORIES**

**INTERROGATORY NO. 1**

Please state your full name, date of birth, social security number, marital status, name of spouse, residence address, business address, and occupation.

**INTERROGATORY NO. 2**

Please state exactly the make, model, year of manufacture and serial number of the CRANE that PLAINTIFF claims was involved in the ACCIDENT as well as the name and address of the owner of the machine.

**INTERROGATORY NO. 3**

Please state fully and in complete detail the specific part(s) of the CRANE that PLAINTIFF claims was involved in the ACCIDENT.

**INTERROGATORY NO. 4**

With regard to the ACCIDENT, please describe the weather conditions, the general layout of the area where the ACCIDENT occurred, what the PLAINTIFF was wearing and how the ACCIDENT happened, insofar as you are aware, stating in your answer all events relating thereto in their sequential order.

**INTERROGATORY NO.5**

Please identify and describe any accidents or injuries involving the CRANE of which the PLAINTIFF is aware, which occurred either prior to or after the ACCIDENT on December 20, 2002.

**INTERROGATORY NO. 6**

At any time prior to the ACCIDENT, did the PLAINTIFF, or any other person, give notice of the condition, which purportedly caused PLAINTIFF'S the ACCIDENT and/or alleged injuries? If so, please state:

- (a) the name, residential and business address of the person or persons who have such notice;
- (b) the name, residential and business address of all persons who were given such notice.

**INTERROGATORY NO. 7**

Please state fully and in complete detail each conversation or communication relating directly or indirectly to the ACCIDENT and/or CRANE you had with any person(s) or entity(ies) (other than PLAINTIFF's counsel), indicating in your answer, the date, place, identity of those present, and who said what to whom.

**INTERROGATORY NO. 8**

If you claim that DEFENDANTS in any way failed to comply with any federal, state, local or municipal law, statute, ordinance, regulation or requirement in effect at the time or industry standard or custom in use at the time, please specify each law or regulation or standard or custom with which DEFENDANTS allegedly failed to comply and the precise manner in which it failed to so comply.

**INTERROGATORY NO. 9**

Please give the names, residential and business address of all persons who:

- (a) were witnesses to the ACCIDENT; and
- (b) have knowledge with respect to the ACCIDENT.

**INTERROGATORY NO. 10**

If you have in your possession, custody or control any statements, whether signed, unsigned or recorded, or other writing relating in any way to the ACCIDENT, please identify same by name of the person who prepared it, name of the person who signed it, date and the nature and substance of its contents.

**INTERROGATORY NO. 11**

Please describe in detail all injuries, ailments or pains PLAINTIFF claims to have suffered as a result of the alleged ACCIDENT, stating the parts of your body so affected, the severity of such injuries, ailments or pains and how long each lasted.

**INTERROGATORY NO. 12**

If PLAINTIFF is still afflicted with or suffering from the effects of any injury, illness or disability allegedly received at the time of the alleged ACCIDENT describe in complete detail the nature, extent and duration of each and every one of your present injuries, illnesses, pains and disabilities.

**INTERROGATORY NO. 13**

Please state each and every date the PLAINTIFF was examined or treated by any doctor, physician or medial practitioner with respect to any injury, illness or disability, which

PLAINTIFF claims to have sustained as a result of the alleged ACCIDENT, setting forth in detail as to each such date of examination or treatment:

- (a) the name and address of each such doctor, physician or medical practitioner;
- (b) the nature and extent of the examination or treatment received from each such doctor, physician or medical practitioner;
- (c) the diagnosis and prognosis made by each doctor, physician or medical practitioner; and
- (d) the amount of the charge made to you or any other person or organization for your account by each doctor, physician or medical practitioner, fully itemized, indicated in any bill rendered therefore.

**INTERROGATORY NO. 14**

Please identify and describe all claims for personal injury ever made by PLAINTIFF (or on your behalf) at any time, including in your answer:

- (a) whether you filed any lawsuit; including the parties involved, Court and docket number; whether you made claim to any insurance company, including the company and claim number;
- (c) the injuries you allegedly sustained; and
- (d) the manner in which the claim(s) were resolved.

**INTERROGATORY NO. 15**

If PLAINTIFF claims any loss of earning capacity as a result of the alleged ACCIDENT, please state:

- (a) the inclusive dates between which you were unable to work as a result of the alleged occurrence;
- (b) the total amount of earnings which you lost as a result of your absence;
- (c) the nature of your employment immediately prior to the alleged occurrence, indicating your job title, classification or position and supervisor, as well as your employer's last known address and telephone number;
- (d) your earning basis on a weekly, monthly or annual arrangement;
- (e) if you were a member of a union, its name, address and the time period between which you were a member of the union; and
- (f) the identity of all documents which support your claim of lost earnings.

**INTERROGATORY NO. 16**

Please identify and describe whether the CRANE was maintained according to scheduled maintenance or repaired for any reason within the two (2) years prior to the ACCIDENT to the present date and, if so, please identify and describe:

- (a) the person(s) supervising the maintenance and/or repairs;
- (b) the person performing the maintenance and/or repairs;
- (c) the report(s) or documentation generated from the maintenance or repairs; and
- (d) the nature of the maintenance and/or repairs performed as well as the dates.

**INTERROGATORY NO. 17**

Please identify and describe in complete detail the facts upon which the PLAINTIFF relies in Counts V and VI of the COMPLAINT that FANTUZZI USA, INC. was negligent and/or in breach of warranty, including in your answer, the following:

- (a) the specific facts upon which you rely in making these allegations;
- (b) the warranty(ies) PLAINTIFF claims was breached and the manner in which the PLAINTIFF relied on such warranty(ies);
- (c) the identity of all writings or other documents upon which the PLAINTIFF relies in support of these allegations;
- (d) each and every oral communication by or between the parties upon which the PLAINTIFF relies in making these allegations;
- (e) a description of all damages sustained by the PLAINTIFF as a result of the allegations set forth in Count V and Count VI; and
- (f) the identity of all witnesses (including addresses) of persons who will testify in support of these allegations and/or the damages related thereto.

**INTERROGATORY NO. 18**

Please state the name, address and occupation of each person you expect to call as a witness in the trial of this action and, for each such person, please state the subject matter upon which each such person is expected to testify.

**INTERROGATORY NO. 19**

Identify by name, occupation, professional title and present address of each person you expect to call as an expert witness at the trial and for each expert, state:

- (a) the subject matter on which each expert is expected to testify;
- (b) the substance of the facts to which each expert is expected to testify;
- (c) the substance of the opinions to which each expert is expected to testify;
- (d) a summary of the grounds for each opinion.

**INTERROGATORY NO. 20**

Please identify and describe each investigation, study, test, analysis or report conducted by you or on your behalf concerning the ACCIDENT and/or CRANE, including in your answer the following:

- (a) the date it was conducted;
- (b) the person(s) or entity which conducted it; and
- (c) the date any written report(s) were prepared.

**INTERROGATORY NO. 21**

Identify and describe PLAINTIFF's worker compensation claim, including the claim number, the date the claim was made, the worker compensation carrier, the amount of worker compensation benefits PLAINTIFF has received and whether the claim has been settled via lump sum settlement and the date of such settlement.

**INTERROGATORY NO. 22**

Please identify any and all training that the PLAINTIFF received at any time prior to the ACCIDENT relating to the CRANE, including the date, time, location, persons present, persons providing the training and a brief statement of the instruction PLAINTIFF received and the documents reviewed, if any. Please also state whether there exist any written records related to the training, the content of the records and the present custodian of those records.

**INTERROGATORY NO. 23**

Please state the amount of hours the PLAINTIFF worked on the date of the ACCIDENT and also please state where the PLAINTIFF reported at the start of each day during that period, to whom the PLAINTIFF reported, who the PLAINTIFF's supervisor(s) was, how the PLAINTIFF was made aware of his assignments for each day, including the day of the ACCIDENT, and whether there are any written records related to the above and if so the present custodian of those records.

**INTERROGATORY NO. 24**

If the PLAINTIFF claims that the ACCIDENT or his alleged injuries were caused in whole or in part by the negligence of any other person or entity, please identify each such person and/or entity and set forth the facts known which evidence such negligent act and/or omission by each such person and/or entity.

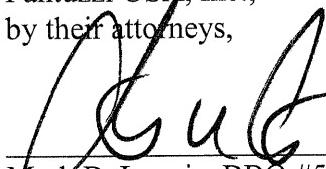
**INTERROGATORY NO. 25**

Please identify each person (exclusive of any attorney) who gathered or furnished information for, or assisted in the preparation of the answers to these Interrogatories, and for each such person:

- (a) describe his or her role; and
- (b) state the Interrogatory on which he or she was involved.

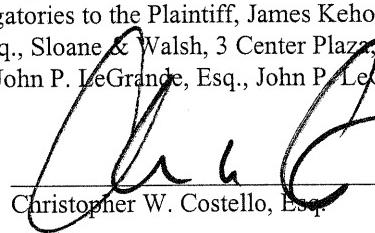
Respectfully submitted,

The Defendant,  
Fantuzzi USA, Inc.,  
by their attorneys,

  
\_\_\_\_\_  
Mark B. Lavoie, BBO #553204  
Christopher W. Costello. BBO# 645936  
McDonough, Hacking & Lavoie, LLP  
6 Beacon Street, Suite 815  
Boston, MA 02108  
(617) 367-0808

**CERTIFICATE OF SERVICE**

I, Christopher W. Costello, Esq., hereby certify that on August 4, 2004, I served a copy of the Defendant's, Fantuzzi USA, Inc., First Set of Interrogatories to the Plaintiff, James Kehoe, by mailing, postage prepaid, to the following: James P. Donohue, Jr., Esq., Sloane & Walsh, 3 Center Plaza, Boston, MA 02108; and Clarence LaBonte, Esq., Jason LeGrande, Esq., and John P. LeGrande, Esq., John P. LeGrande & Associates, P.C., 375 Broadway, Suite 2, Somerville, MA 02145.

  
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Christopher W. Costello, Esq.